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**AN ANALYSIS OF DOMESTIC VIOLENCE ON WOMEN: WOMEN'S
EMPOWERMENT VS. DOMESTIC VIOLENCE**

“When Women succeed, nations are more safe, secure and prosperous.” – Barak Obama.



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Introduction

Women's empowerment denotes the freedom of speech, freedom of work, freedom of expression, freedom of decision making, freedom to control in life of a woman. Women's empowerment is about us realizing that a woman is more than just their gender and that every voice deserves to be heard¹. The definition of women's empowerment changes person wise but it falls under one broad category that women's empowerment means empowering the women. A society where women's empowerment is established, that society can be free from every kind of discrimination, violence and injustice towards a woman. On the one hand, when it is being said that women are being empowered, on the other hand we can see rise in the cases of domestic violence. Domestic violence basically means the aggressive and violent behavior within the safe walls of a home, caused by the woman's partner or spouse or any other family member of the victim. In our hierarchically

¹Heifer International “What does Women's Empowerment Even Mean?” (Heifer International, May 8 2018) <http://www.heifer.org/blog/what-does-womens-empowerment-even-mean.html> Accessed on 6 July, 2020.

structured society, we believe that strong is better than weak, that rich is better than poor, that bigger is better than smaller. This mentality provokes one to abuse their power in order to maintain their position. Later on, it leads to violence which they use to maintain power.

Hence, the domestic violence is the violation of physical, sexual or mental well-being and can be an economical attack too, mainly caused by the partner. The principal ever worldwide study on aggressive behavior at home was delivered in 2005 by the World Health Organization. Worldwide, almost one-third of women who have been in a relationship report that they have experienced domestic violence whether in the physical or sexual form by their intimate partner². As per the WHO report that women who are physically abused by the partners are more likely to suffer from health problems, sometimes the effects stay longer after the violence has stopped. As described by the World Health Organization³:

- **Intimate Partner Violence** alludes to conduct by a private accomplice or ex-accomplice who causes physical, sexual or mental damage including sexual compulsion and hostility.
- **Sexual Violence** refers to any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the person in question: it incorporates assault characterized as truly constrained or infiltration of the vulva or rear-end with any articles or body parts.

In India, NCW registered (between 3rd March-16th April), 587 domestic violence complaints, which is a 45% increase from the previous days. The Child Helpline of India received more than 92000 calls between 20th to 31st March, at the start of India's lockdown due to covid-19 situation⁴. If we notice the recent survey of Bangladesh, by Manusher Jonno Foundation (MJF), at least 4249 women and 456 children were victims of domestic violence. Among them 1672 women and 424

² World Health Organization "Violence Against Women" (World Health Organization, 29 November 2017) <http://www.who.int/news-room/fact-sheets/details/violence-against-women> Accessed on 6 July 2020.

³ World Health Organization "Violence Against Women" (World Health Organization, 29 November 2017) <http://www.who.int/en/news-room/fact-sheets/details/violence-against-women> Accessed on 6 July 2020.

⁴ WIKIPEDIA "Impact of the COVID-19 pandemic on domestic violence" (WIKIPEDIA) http://en.m.wikipedia.org/wiki/Impact_of_the_COVID-19_pandemic_on_domestic_violence Accessed on 6 July 2020.

children faced violence for the first time in their lives⁵. These are just small examples of two countries which have several laws to ensure safety for their women and children. Then, there is the Middle East and North Africa which have the fewest laws protecting women from domestic violence. These statistics tell us how horrible is the condition of women all around the world, how much they suffer. This paper looks at the consequences and reasons of domestic violence, the remedies to ensure safety of women all around the world and to establish women's empowerment in its true sense.

Reasons behind domestic violence on Women

Domestic violence usually begins when children see violence in their own family, this indicates witnessing marital violence at home, being abused as a child, having absent or rejected father etc. Frequent consumption of alcohol can also provoke one towards violence upon the vulnerable in the family. The mentality of seeing women as a weaker sex and the thought women can be controlled by enforcing dominance, such mentality causes violence as well. Surprisingly, such mentality again comes from the past, the society and the culture where they grew up. Society and the culture work as a double-edged sword in undermining a woman's status⁶. At the societal level studies around the world have found violence against women is most prevalent at places where the gender roles are badly defined and where the concept of muscularity is linked to male honor, toughness, and therefore dominance over the women and the female child. Societies often support the norms of men having a control over female behavior, where the acceptance of violence is seen as a way to resolve a conflict. Males who come from a lower socio-economic status or are unemployed, suffer from frustration and anger issues, and they vent this anger on their female partners without even realizing their deed. In marital relationships, maximum men think that violence is the way to resolve a marital conflict. The men in a family, who have the control of wealth and decision making, start to think of themselves as superior to women. Later, this becomes a reason of domestic violence when a woman tries to speak up. Women's isolation and lack of

⁵ Dhaka Tribune "Webinar on domestic violence during Covid-19 pandemic held Saturday" (Dhaka Tribune, 16 May 2020) <http://www.dhakatribune.com/bangladesh/2020/05/16/webinar-on-domestic-violence-during-covid-19-pandemic-held-saturday> Accessed on 6 July 2020.

⁶ Population Reports "Ending Violence Against Women" (Population Reports, 4 December 1999) <http://www.genderhealth.org> Accessed on 6 July 2020.

social connections make her more vulnerable towards domestic violence, because the men know that she is helpless and completely dependent on them. This too legitimizes a man's violence⁷. In the last several years, dowry has become a mandatory part of marriage transaction in few countries, the husbands demand dowry before and after the marriage. When the dowry isn't provided to them, they find it natural to torture and harass the wife to bring dowry. In some places, husbands are expected to pay bride-wealth to compensate the bride's family for the loss of a labor. In a survey in the Eastern Cape Province of South Africa, 82% of women said it is culturally accepted that if a man pays lobola (bride-wealth) for his wife, it means that he owns her; 72% of women themselves agreed to this statement⁸. For a large number of abused women, forced sex is lifelong trauma to carry and due to moral degradation, it occurs where a man ends up thinking that a woman is just to fulfill his lust and he can do whatever he wants just because he is a man.

Laws for the Protection of Women and the Female Child in Several Countries

There are several laws in each country which are established to ensure safety of women. I shall mention the laws of three countries. The overview of these laws is as following-

India:

- **Protection of Women from Domestic Violence Act, 2005** is an Act of the Parliament of India established to shield ladies from aggressive behavior at home. Under this Act, the offender gets punished with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or both⁹.
- **Women's Right Act** is represented by the National Commission for Women's Act, 1990, in India. The Women's Right Act aims to improve the status of women and their economic empowerment¹⁰.

⁷ Population Reports "Ending Violence Against Women" (Population Reports, 4 December 1999) <http://www.genderhealth.org> Accessed on 6 July 2020.

⁸ Population Reports "Ending Violence Against Women" (Population Reports, 4 December 1999) <http://www.genderhealth.org> Accessed on 6 July 2020.

⁹ Section 31(1), Protection of Women from Domestic Violence Act 2005.

¹⁰ National Commission for Women's Act, 1990.

Bangladesh:

- **The Domestic Violence Prevention and Protection Act-** under this Act, if a complaint is filed, the offender gets punished with imprisonment which may extend to 6 months, or with fine which may extend to 10 thousand Taka, or with both and repetition of any offense shall be punishable with imprisonment which may extend to 2 years, or with fine which may extend to 1 lakh Taka, or with both.
- **Article 28 of the Constitution of Bangladesh** denotes that the State shall not discriminate against any citizen on grounds of religion, race, caste, sex, or place of birth. Women shall have equal rights with men in all spheres of the State and of Public life¹¹.

South Africa:

- **Domestic Violence Act 116 of 1998** provides maximum protection from domestic violence. Under this Act, a peace officer may arrest any respondent without any warrant at the scene of an incident of domestic violence whom he or she reasonably suspects of having committed an offence under this Act. If victim files complaint and offender is found guilty under this Act, the offender shall be punished with a fine or imprisonment not exceeding five years or to both such fine and such punishment¹².

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Case laws related to Domestic Violence

Ajay Kumar vs. Lata alias Sharuti

In this case Supreme Court of India held, “Oppressed spouse may likewise file a complaint against a relative of the husband or the male accomplice, all things considered. (Date: 05-06-2019)

Justice Dr. Dhananjaya Y. Chandrachud and Justice Hemant Gupta have passed the judgement in this case. In accordance with the provision to the section 2(q) of the Protection of Women from Domestic Violence Act 2005, indicates that an aggrieved wife or female living in a relationship in

¹¹ Article 28(2), The Constitution of Bangladesh.

¹² Domestic Violence Act 116 of 1998, South Africa.

the idea of marriage may likewise record a grievance against a relative of the spouse or the male accomplice, by and large.

Binita Das vs. Uttam Kumar

In this Domestic Violence case, the Delhi High Court held, “Qualification and the capacity to earn cannot be a ground to deny interim maintenance to a wife. (Date: 24-08-2019)

A bench of Justice Sachdeva has passed the order in the case. Delhi High Court has held that Magistrate can't deny interval upkeep to spouse simply because she has earning capacity or is a qualified person.

Manju Sharma vs. Vipin

In this Domestic Violence case, Delhi High Court held, “With an annual turnover of Rs.1 crore, the husband was pleading the income Rs. 10,000/-, HC didn't agree and enhanced the maintenance awarded to wife.” (Date: 3-07-2019)

Justice Sanjeev Sachdeva has passed the order in this case. Delhi High Court has upgraded the upkeep to be given to the spouse when it was discovered that husband was not revealing his actual salary, where his true income apparently was 1 crore. The interim maintenance was enhanced from Rs.10,000 per month to Rs.30,000 per month keeping in mind the requirements of the petitioner and her daughter.

Conclusion

We are living in the era of Empowerment of Women, but still our women are unsafe and facing violence in their family, by their dear ones or by strangers. If we really want to establish empowerment of women, we first need to make sure that women are safe everywhere and aren't getting deprived from their rights. The age-old social norms regarding male dominance needs to be changed, where it is replaced by equality. The laws protecting a woman's safety should be strongly established. For this, Government should strengthen the justice sectors. The big step government can take is by giving economical support to female workers. Many women cannot complain due to shame, lack of understanding of the situation, social stigma, and unawareness of

the fact of the kind of support she can take from her own family and the society. Various NGO's, social activists and Government should come forward to create social awareness and give courage to the women so that they can come forward and complain against their oppressors.

In addition, women also should be conscious about their rights, they should make themselves that much strong that they do not have to fear to protest against injustice. All women should try to be financially independent where they don't need to depend upon their husband only for providing basic needs of life.

Thus, every man should remember that they might have a daughter in their house and she will also become someone's wife or partner in the near future. The behavior a man may show toward his wife or partner, maybe the same behavior his daughter may also face by some other man. In conclusion, a woman's empowerment starts from her own family. With good moral values, strict establishment of laws and by creating social awareness, this crisis of domestic violence can be resolved.



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